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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Marco CARRER, et al.

Serial No.: 09/912,458

Filing Date: July 24, 2001

For: DISTRIBUTED SERVICE AGGREGATION  
AND COMPOSITION

Examiner: NYA

Group Art Unit: 2161

Commissioner for Patents  
Washington, D.C. 20231

**PETITION TO HAVE ITEM DETERMINED TO HAVE BEEN DEPOSITED IN THE  
USPTO WITH THE NON-PROVISIONAL APPLICATION PAPERS  
(UNDER 37 C.F.R §1.182)**

Sir:

Applicant hereby respectfully petitions to have an alleged omitted item, Figure 4 described in the specification, determined to have been deposited in the U.S. Patent and Trademark Office (USPTO) with the non-provisional application papers filed on July 24, 2001.

In furtherance of this petition, the following items are included:

1. A copy of the Notice of Omitted Item(s) in a NonProvisional Application;
2. A copy of the stamped Acknowledgment Receipt, indicating "4 Sheets of Formal Drawings" submitted and received by the USPTO as evidenced by the stamp;
3. A copy of the Utility Patent Application Transmittal form, indicating 4 Total Sheets of Drawings enclosed;
4. A copy of Figure 4, as filed; and
5. A \$130.00 check for petition fee under 37 CFR 1.17(h).

In addition, the undersigned represents that a copy of Figure 4 is present in our file with the remainder of the application and papers as filed, which was placed there in the process of submitting the application and papers to the USPTO, pursuant to our normal course of business.

The Commissioner is hereby authorized to charge payment of any fees associated with this petition or credit any overpayment, to Deposit Account No. 50-1302, including any fees under 37 CFR 1.17.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

Date: 9/21/01

John D. Henkhaus  
John D. Henkhaus, Registration No. 42,656

1600 Willow Street  
San Jose, California 95125-5106  
Telephone: (408) 414-1080  
Facsimile: (408) 414-1076

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231

on 9/21/2001 by Karen Knott



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/912,458	07/24/2001	Marco Carrer	50277-1735

CONFIRMATION NO. 5107

## FORMALITIES LETTER



\*OC00000006500918\*

Hickman Palermo Truong & Becker LLP  
1600 Willow Street  
San Jose, CA 95125-5106

Date Mailed: 08/31/2001

## NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Figure(s) 4 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

09/26/2001 EABUBAK1 00000052 09912458

01 FC:122 130.00 OP

Adjustment date: 10/29/2001 CVORACHA  
09/26/2001 EABUBAK1 00000052 09912458  
01 FC:122 -130.00 OP

Repln. Ref: 10/29/2001 CVORACHA 0012592000

DAH:501302 Name/Number:09912458  
EP: 704 \$130.00 CR

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*A copy of this notice MUST be returned with the reply.*

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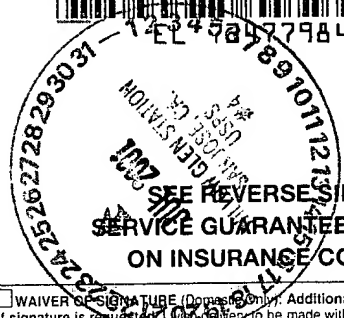
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PART 2 - COPY TO BE RETURNED WITH RESPONSE

SEP 24 2001



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**Acknowledgment Receipt**

Mailing Date: July 24, 2001  
Attorney Docket No. 50277-1735  
Inventor(s): Marco Carrer, et al.  
Title: DISTRIBUTED SERVICE AGGREGATION AND COMPOSITION

Attorney: JDH:kk  
Express Mail No.: EL734779845US

DOCKETED  
DATE: 8/6/01  
DATA BASE  
ENTRY

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- 1) Patent Application w/ Cover Sheet & Express Mail Certificate of Mailing (31 pgs)
- 2) Utility Patent Application Transmittal w/fee calculation (1 pg) (in duplicate)
- 3) Fee Transmittal (1 pg) (in duplicate)
- 4) 4 Sheets of Formal Drawings
- 5) Request and Certification Under 35 USC 122(b)(2)(B)(i) (1 pg)
- 6) Check in the amount of \$1064.00
- 7) Recordation Cover Sheet (1 pg) (in duplicate)
- 8) Assignment (executed) (6 pgs)
- 9) Declaration for Patent Application (executed) (4 pgs)
- 10) Power of Attorney and Revocation of Previous Powers (2 pgs)
- 11) Postcard for Return Receipt

11002 U.S. PTO  
09/912458  
  
07/24/01

Kindly stamp the receipt date and return to addressee to acknowledge receipt of the above documents.

## UTILITY PATENT APPLICATION TRANSMITTAL

(New Nonprovisional Applications Under 37 CFR § 1.53(b))

Attorney Docket No.

50277-1735

## TO THE COMMISSIONER FOR PATENTS:

Transmitted herewith is the patent application of ( ) application identifier or (X) first named inventor, MARCO CARRER, et al.,  
 entitled DISTRIBUTED SERVICE AGGREGATION AND COMPOSITION, for a(n):

- (X) Original Patent Application.
- ( ) Continuing Application (prior application not abandoned):  
 ( ) Continuation ( ) Divisional ( ) Continuation-in-part (CIP)  
 of prior application No: \_\_\_\_\_ Filed on: \_\_\_\_\_  
 ( ) A statement claiming priority under 35 USC § 120 has been added to the specification.

## Enclosed are:

- (X) Specification 30 Total Pages; (X) Drawing(s); 4 Total Sheets; (X) Cover Sheet 1 Page  
 (X) Oath or Declaration: 4 Pages  
 ( ) A Newly Executed Combined Declaration and Power of Attorney:  
 ( ) Signed. ( ) Unsigned. ( ) Partially Signed.  
 ( ) A Copy from a Prior Application for Continuation/Divisional (37 CFR § 1.63(d)).  
 ( ) Incorporation by Reference. The entire disclosure of the prior application, from which a copy of the  
 oath or declaration is supplied, is considered as being part of the disclosure of the accompanying  
 application and is hereby incorporated herein by reference.  
 ( ) Signed Statement Deleting Inventor(s) Named in the Prior Application. (37 CFR § 163(d)(2)).  
 (X) Power of Attorney. (X) Return Receipt Postcard.  
 ( ) Associate Power of Attorney. (X) A Check in the amount of \$1064.00 for the Filing Fee.  
 ( ) Preliminary Amendment. ( ) Information Disclosure Statement and Form PTO-1449.  
 (X) Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i)  
 (X) A Duplicate Copy of this Form for Processing Fee.  
 ( ) A Certified Copy of Priority Documents (if foreign priority is claimed).  
 ( ) Applicant(s) is entitled to small entity status. See 37 CFR 1.27.  
 ( ) Statement(s) of Status as a Small Entity Filed in Prior Application, Status Still Proper and Desired.  
 (X) Recordation of Assignment Cover Sheet and executed Assignment.  
 ( ) Other: \_\_\_\_\_

CLAIMS AS FILED				
FOR	NO. FILED	NO. EXTRA	RATE	FEE
Total Claims	33	13	\$18.00	\$ 234.00
Independent Claims	4	1	\$80.00	\$ 80.00
Multiple Dependent Claims (if applicable)				\$0.00
Assignment Recording Fee				\$ 40.00
Basic Filing Fee				\$ 710.00
Total Filing Fee				\$ 1064.00

Charge \$ \_\_\_\_\_ to Deposit Account 50-1302 pursuant to 37 CFR § 1.25. Throughout the pendency of this application, please charge any additional fees, including any required extension of time fees, and credit all overpayments to deposit account 50-1302. A duplicate of this sheet is enclosed.

Respectfully submitted,

By: John D. Henkhaus  
 John D. Henkhaus, Attorney of Record, Reg. No. 42,656

Date: 7/24/01

Correspondence Address:

Hickman Palermo Truong & Becker LLP  
 1600 Willow Street  
 San Jose, California 95125-5106  
 Telephone: (408) 414-1080  
 Facsimile: (408) 414-1076

I hereby certify that this is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated below and is addressed to:

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Date of Deposit: July 24, 2001